

FILED

MAY 06 2019

Clerk, U S District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LUIS NUNEZ-HERNANDEZ,

Defendant.

Cause No. CR 97-45-BLG-SPW

ORDER

On April 29, 2019, the Court received from Defendant Jose Luis Nunez-Hernandez (“Nunez”) a letter asking whether he is eligible for a reduced sentence under the First Step Act.

One provision of the First Step Act authorizes resentencing for some offenders. It applies only to persons convicted and sentenced for offenses involving crack cocaine. *See* First Step Act of 2018, Pub. L. No. 115-391, § 404(b), 132 Stat. 5194, 5222 (Dec. 21, 2018); Fair Sentencing Act of 2010, Pub. L. No. 111-220, §§ 2–3, 124 Stat. 2372, 2372 (Aug. 3, 2010).

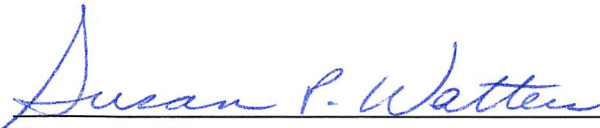
Nunez was convicted of Counts 1, 2, 4, 5, 8, and 9 of the Third Superseding Indictment. His crimes involved methamphetamine and money laundering. *See* Third Superseding Indictment (Doc. 84); Verdict (Doc. 298).

Nunez is not eligible for resentencing under the First Step Act’s retroactive

application of the Fair Sentencing Act.

Accordingly, IT IS ORDERED that Nunez's letter (Doc. 609), construed as a motion for a reduced sentence, is DENIED.

DATED this 6th day of May, 2019.



Susan P. Watters
United States District Court